2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Poland

1. The present report presents a general overview of steps and measures undertaken by the Republic of Poland in the implementation of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons as a whole. The report is focused on the measures undertaken by Poland since the conclusion of the sixth Review Conference in 2000 and reflects the provisions included in the Final Document of the Conference.

Article I

2. As a part of its official foreign policy, Poland consistently encourages nuclear-weapon States to commit themselves not to assist others in acquiring nuclear weapons or to make it possible for them to do so. That is why Poland welcomed the Global Partnership against the Spread of Weapons and Materials of Mass Destruction initiative adopted at the summit of the Group of Eight held in Kananaskis, Canada, in 2002 and decided to take an active part in that initiative by establishing legal instruments for cooperation in this field with the Russian Federation and the Libyan Arab Jamahiriya and by signing the appropriate memorandum of understanding in January 2005. Poland also joined the Proliferation Security initiative, also known as the Krakow initiative, launched in May 2003, and supported the Interdiction Principles for the initiative adopted in London in October 2003. The Polish Government hosted field exercises for participants in the initiative in April 2004 in Wroclaw, and organized the first anniversary meeting on the initiative in Krakow on 31 May and 1 June 2004. A bilateral field exercise with the Czech Republic, scheduled for June 2005, is being prepared.

Article II

3. Poland remains unequivocally committed to its obligation under article II of the Treaty not to transfer, manufacture or receive control over nuclear weapons. The trade, import, export, acquisition, brokering or transport of weapons of mass destruction whether nuclear, chemical or biological weapons or their components, through the territory of the Republic of Poland are explicitly prohibited under Polish

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law. In this respect, the Atomic Law of November 2000, as amended in April 2004, and a new bill on the export control of trade in strategic goods and technologies of 2001, as amended in July 2004 must be mentioned.

4. In 2002, Poland submitted a proposal to strengthen the Warsaw Guidelines of the Nuclear Suppliers Group concerning the safety of nuclear installations and effectively supported the introduction into the Warsaw Guidelines of the reference to catch-all mechanisms in export controls.

5. Poland is also strongly engaged in the implementation of the European Union Strategy against Proliferation of Weapons of Mass Destruction, adopted in December 2003.

Article III

Safeguards

6. The agreement between Poland and the International Atomic Energy Agency (IAEA) for the application of safeguards in connection with the Treaty entered into force on 11 October 1972. The requirements of article III, paragraph 1, were therefore fulfilled with regard to Poland.

7. Poland has always underlined the importance of the process of strengthening the IAEA safeguards system, considering the additional protocols to be integral parts of the IAEA safeguards system for the treaty and mandatory for State parties to the Treaty. In line with that position, on 5 May 2000, Poland ratified the Additional Protocol to the Agreement on Safeguards between Poland and IAEA. As a consequence, a system of declarations and inspections has been introduced for entities that carry out activities in the field of nuclear energy.

8. Poland's accession to the European Union on 1 May 2004 is connected with the necessity of acceding to all the conventions and agreements binding for European Union member States. To fulfil that requirement with regard to the Treaty Poland is obliged to replace its bilateral safeguards agreement and its additional protocol with a trilateral agreement and protocol between European Atomic Energy Community, the non-nuclear weapon States of the European Union and IAEA, thus suspending the provisions of the bilateral legal instruments. At the moment the internal ratification procedure of the trilateral safeguards agreement and additional protocol are well advanced and the accession to them as well as elaboration of the relevant accounting and inspection procedures are expected to be effected in the near future.

Export control

9. Poland, being a member of both the Zangger Committee and the Nuclear Suppliers Group, implements its obligations under article III, paragraph 2, of the treaty by controlling its exports in accordance with provisions of the article not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by the article. Poland also cooperates in the framework of the exchange of

information system aimed at providing the States members of the Nuclear Suppliers Group with national control system refusals regarding dual-use products.

Article IV

10. Poland strongly supports the peaceful uses of nuclear energy. According to the medium-term national energy strategy plan, the construction of a nuclear power plant in Poland, with a capacity of approximately 3,000 MWe will be is taken into consideration in the next 15 to 20 years. Poland currently operates one nuclear research reactor. Nuclear technologies and techniques are applied in Poland in various fields (health care, industry, environmental protection, agriculture). Poland is also an active participant, both as a donor and as a recipient country, in IAEA technical cooperation programmes.

11. Nuclear safety and security questions are of utmost importance for Poland. Poland is a party to all the multilateral legal instruments created under the auspices of IAEA: the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Convention on Nuclear Safety, the Convention on the Physical Protection of Nuclear Material (Poland supports the amending process currently in its final phase) and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and always takes part in their review conferences.

Article V

12. Since it ratified the Comprehensive Nuclear-Test-Ban Treaty in 1999, Poland has constantly reiterated its firm commitment to the Treaty.

13. Poland took part in the 1999, 2001 and 2003 conferences pursuant to article XIV of the Treaty with a view to facilitating its entry into force and fully supported the Final Declaration of the 2003 conference. Poland's proactive approach to the promotion of the Comprehensive Nuclear-Test-Ban Treaty was reaffirmed at the above-mentioned forums and during the respective sessions of the First Committee of the General Assembly.

14. Poland supports the important role of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization and its provisional technical secretariat, which has a key role in successfully building an effective verification regime within the framework of the international monitoring system. In this connection, Poland has expressed its readiness to include Polish seismic stations as auxiliary stations in the international monitoring system.

Article VI

15. In accordance with the Final Document of the 2000 Review Conference, Poland would expect all nuclear-weapon States to continue their efforts aimed at achieving the long-term objective of eliminating nuclear weapons.

16. Poland welcomes the provisions of the Moscow Treaty of 2002 signed by the United States of America and the Russian Federation, which aims at significantly reducing the number of strategic warheads on both sides.

17. As regards work on nuclear disarmament at the Conference on Disarmament, the commencement of the negotiations on a fissile material cut-off treaty and its conclusion in the near future remains Poland's number one priority.

18. Poland has also actively participated in the process aimed at amending the Convention on the Physical Protection of Nuclear Material and welcomes the convening of the diplomatic conference on this matter, which is scheduled to be held in Vienna from 4 to 8 July 2005.

19. Poland also attaches great importance to the exchange of views and the decisions adopted at the General Assembly regarding nuclear disarmament and supported the following resolutions dealing with nuclear non-proliferation and disarmament:

- 57/69 — Establishment of a nuclear- weapon-free zone in Central Asia
- 59/63 — Establishment of a nuclear-weapon-free zone in the region of the Middle East
- 59/73 — Mongolia's international security and nuclear-weapon-free status
- 59/76 — A path to the total elimination of nuclear weapons
- 59/109 — Comprehensive Nuclear-Test-Ban Treaty
- 59/104 — Report of the Conference on Disarmament
- 58/48 — Measures to prevent terrorists from acquiring weapons of mass destruction
- 59/60 — Verification in all its aspects, including the role of the United Nations in the field of verification
- 59/81 — The Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", and ad hoc committee to negotiate on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices
- 59/65 — Prevention of an arms race in outer space
- 59/106 — The risk of nuclear proliferation in the Middle East
- 59/85 — Nuclear-weapon-free southern hemisphere and adjacent areas
- 59/91 — The Hague Code of conduct against Ballistic Missile Proliferation
- 57/60 — United Nations study on disarmament and non-proliferation education
- 59/94 — Bilateral strategic nuclear arms reductions and the new strategic framework

20. At the forty-eighth session of the General Conference of IAEA, Poland supported the following resolutions dealing with nuclear non-proliferation and disarmament:

- GC(48)/RES/11 — Nuclear security — Measures to Protect against Nuclear Terrorism, Progress on Measures to Protect against Nuclear and Radiological Terrorism
- GC(48)/RES/14 — Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol
- GC(48)/RES/15 — Implementation of the NPT Safeguards Agreement between the Agency and the Democratic People's Republic of Korea
- GC(48)/RES/16 — Application of the IAEA Safeguards in the Middle East

Article VII

21. Poland welcomes the progress in arriving at and implementing nuclear-weapon-free zone agreements, in particular the accession of Cuba to the Treaty of Tlatelolco.

22. At the same time, Poland remains of the opinion that the process of developing and establishing nuclear-weapon-free zones should be strictly consistent with international law and the guidelines adopted by the Conference on Disarmament in 1998.

Article VIII

23. Poland supports the strengthened review process of the Treaty as adopted during the 1995 NPT review and extension conference. In this context, Poland follows the practice of reporting on the implementation of the Treaty as an important element of the review process. Poland is also looking forward to a substantial discussion on the format and scope of the reporting practice.

Article IX

24. Poland continues to emphasize the importance of the universalization of the Treaty and calls on countries who have not yet done so to accede to the Treaty without conditions and without further delay.

25. Poland deeply regretted the withdrawal of the Democratic People's Republic of Korea from the Treaty in 2003 and expressed its vivid concern over the announcement in February 2005 by the Democratic People's Republic of Korea that it possesses nuclear weapons.

26. As a member of the Korean Peninsula Energy Development Organization, Poland continues to urge the Democratic People's Republic of Korea to rejoin as a party to the treaty, to take part in the six-party talks, and to resume cooperation with IAEA by allowing IAEA inspectors to return to the Democratic People's Republic of Korea and to carry out inspections under the IAEA Safeguards Agreement.

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Peru

1. Situation of Peru with respect to implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

1. Peru signed and adopted the Treaty for the Prohibition of Nuclear Weapons in Latin America in 1968, by Legislative Decree 17105. In 1970, by Decree Law No. 18133, it adopted the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which establishes an undertaking regarding the peaceful uses of nuclear energy. Since it was planning to put into operation an experimental critical facility or zero power research reactor (PR-0), in 1979 Peru adopted the safeguards agreement with the International Atomic Energy Agency (IAEA) which is set forth in document INFCIRC/273 and which is consistent with that set forth in INFCIRC/153. It also signed a quadripartite agreement with Argentina, the United States and IAEA for the use of nuclear fuel in the PR-0, which noted that the nuclear material belonged to the United States but was being used by Argentina which, in turn, was supplying it temporarily to Peru for the PR-0.

2. In 2001, by means of Legislative Decree No. 27463, Peru adopted the Protocol Additional to the safeguards agreement; the latter was ratified on 15 June 2001 by Supreme Decree No. 049-2001-RE and entered into force on 23 July 2001. At that point Peru started providing the requisite expanded declarations and started the expanded access as required by IAEA.

Start of the safeguards

3. The starting point for the safeguards in Peru was when the nuclear material was transferred from Argentina to Peru. The first design information questionnaire (DIQ) was prepared and submitted to IAEA in order to establish procedures and guidelines for accountancy and control. Facility attachments were drawn up on the basis of that information in order to establish the requisite procedures for accountancy and control, such as types of reports and frequency of inspections and so forth.

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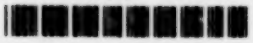

4. As a result of the safeguards agreement, a national system of accountancy and control was set up; it is responsible for verifying and overseeing implementation of the safeguards.

Nuclear material subject to control

5. Initially, the PR-0 used uranium-235 enriched by 20 per cent on average which is considered low enriched uranium (LEU) contained in 232 fuel rods. The location of the PR-0 was called material balance area PE-A which was where the declared nuclear material was used. It should be noted that, at the time the balance area was set up, other nuclear materials, such as natural thorium and depleted uranium, were being used in Peru for non-nuclear purposes; they were included in the same balance area even though they did not have to be reported, given the amounts. In order to facilitate the accounting, Peru requested, in accordance with the safeguards agreement, an exemption from safeguards for the depleted uranium and a termination of safeguards for the thorium.

6. Another nuclear material considered between 1980 and 1990 was uranium recovered from other mining research activities. The total amount of such uranium concentrate is small (less than three kilos) and is kept in storage. The laboratory that did the experiment has been closed down.

Key measurement points

7. The PR-0 facility was called PE-A and two key measurement points (KMP) were established: one in the fuel storage area (KMP A), the other in the reactor core (KMP B). Only two records are required in the facility: the operating records, in order to be able to track the use of nuclear material in the reactor, and the book inventory of nuclear material.

8. In 1984, fuel elements of the type used in materials-testing reactors (MTR) and containing U-235 enriched to less than 20 per cent (LEU) were imported for the 10 Mw power reactor (PR-10) which was then under construction. Since they were stored in PE-A the initial inventory was changed; an inventory change report (ICR), showing an increase in nuclear material, was submitted to IAEA.

9. In 1988, construction of the 10 PR was completed and the MTR-type fuel elements stored in the PE-A facility were transferred to the other facility which, for purposes of the safeguards was designated PE-B. At this point the design information questionnaire was completed for submission to IAEA.

10. In 1990, an additional 28 MTR-type fuel elements were imported from Argentina for use in the PR-0 facility, whose core had been modified. Although the changes to the systems and components of the facility were not great, except in the core, a new design information questionnaire had to be drawn up for submission to IAEA.

11. In 1990, new facility attachments were drawn up for both the PR-0 and the PR-10 facility and they entered into force; they were reviewed and agreed to by a special IAEA mission.

12. The control measures carried out in the first 10 years of safeguards are reflected in the fact that there were close to 100 national inspections of the balance areas and nuclear materials, in addition to the annual inspections that IAEA made

until 1990. During the period between 1978 and 1990 some 50 reports were submitted to IAEA, 18 of which were material balance reports (MBR), another were of which 18 physical inventory listings (PIL) and 15 of which were inventory change reports. These reports related mostly to PE-A but some of them related to PE-B, which was established in 1989. The reports have been in keeping with the format describe in Code 10.

13. The said balance areas have the following features:

(a) Area PE-A: PR-0 critical facility which uses low-enriched U-235 nuclear material. Natural thorium used for making lamps (non-nuclear use) is subject to accounting; currently there are some 2,800 kilos stored in the plant that have not been used. Depleted uranium, which is used for armour plating in cobalt therapy units, has been exempted from safeguards control with IAEA approval;

(b) Area PE-B: 10 Mw reactor which uses low-enriched U-235 nuclear materials. The facility where fresh fuel elements are stored, reactor core, grid box and auxiliary pool have been established as the key measurement points.

14. The operating and internal accountancy records are kept in the balance areas. For the sake of convenience the other major records are kept by the national system of accountancy and control.

15. The rod-type fuel elements, which the PR-0 stopped using in 1988 and which were being stored in material balance area PE-A, were re-exported to Argentina in 1989; the relevant inventory change report was submitted to IAEA together with the notifications required by the relevant quadripartite agreement.

16. Between 1991 and 2004 there were 38 national inspections and 28 IAEA inspections. Reports relating to material balance, physical inventory and inventory changes have also been submitted as required under the safeguards agreement with IAEA. According to the findings of the inspections and the review of such reports by IAEA, Peru has been abiding by its commitments.

17. The national inspections have been carried out routinely and have included verification and complete identification of fresh fuel elements being stored and those located in the core and in the auxiliary pool in the case of PR-10. There is also a requirement to conduct a complete inventory of nuclear material each year.

Protocol Additional to the safeguards agreement

18. Following approval of the agreement, in January 2002, Peru began providing expanded declarations regarding research activities, facilities outside the nuclear materials site, activities of uranium and thorium mines, basic materials and equipment and related non-nuclear materials.

19. Even though not all the activities or materials mentioned in the protocol are being carried out or are present in the country, Peru has made the relevant declaration in the requisite format, indicating that there is nothing to declare. For example, although nuclear material is used as reactor fuel, no other activity or research related to the nuclear fuel cycle is being carried out and Peru does not have any basic materials indicated in the Protocol. It also submits quarterly declarations concerning exports of non-nuclear material and equipment that could be associated to nuclear activities. The information provided to IAEA has always been "nothing to declare" since Peru does not engage in such exports.

20. Within the context of the Additional Protocol there have been four instances of expanded access to places outside the facilities; the four visits were made by IAEA inspectors to verify the declarations submitted.

21. To date Peru has submitted 48 declarations to IAEA as required under the Protocol; there have been no further observations.

2. Peaceful use of nuclear energy and regulation thereof

22. Peru's nuclear activities relate mostly to the use of radiation sources in medicine and industry and, to a lesser extent, in research and education. Currently, it has an inventory of some 3,500 radiation sources. The only nuclear materials in the country are those contained in the fuel elements used by the zero power critical facility and the 10 Mw power reactor, both for purposes of research into and production of radioisotopes.

23. Given their radiological risks, these activities are subject by regulations and rules that have been in effect since 1980. The control system covers permits, inspections, regulation and monitoring of use.

24. As regards safeguards, in 1987 Peru adopted safeguards regulations covering the form and manner of implementing these measures. The regulations were amended in 1989 with a view to clarifying the requirements that all users of nuclear materials must fulfil, in order to help Peru fulfil its commitments. These regulations will have to be reviewed and amended in light of new international obligations.

25. The current regulatory framework consists of:

(a) Act No. 28028 governing the use of sources of ionizing radiation, which was enacted in July 2003. This Act is intended to regulate the peaceful use of radiation sources and it calls explicitly for fulfilment of the safeguards and of the treaties relating thereto;

(b) Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028, contained in Supreme Decree No. 041-2003-EM, setting forth obligations concerning the authorization that must be obtained in order to carry out activities with radiation sources, and also monitoring procedures and penalties for violation of the safety rules;

(c) Regulations pertaining to radiological safety, contained in Supreme Decree No. 009-97-EM, setting forth the technical requirements for safety and protection from ionizing radiation, both for workers and for the public and patients undergoing medical exams involving radiation;

(d) Regulations concerning Physical Protection of Nuclear Materials and Facilities, contained in Supreme Decree No. 014-2002-EM, regulating physical protection requirements that must be met in order to protect nuclear materials and facilities from unauthorized removal or sabotage;

(e) Act. No. 27757 restricting imports, which is designed to regulate the entry of radiation sources and equipment into Peru;

(f) Regulations pertaining to Act. No. 27757, listing the specific types of source and equipment that are subject to import control and the requirements for bringing them into the country.

26. The Peruvian Nuclear Energy Institute has been designated as the national authority responsible for overseeing, controlling and monitoring fulfilment of the provisions of the above regulations.

3. International nuclear cooperation for peaceful purposes

27. International cooperation has been provided primarily by IAEA through technical assistance projects involving provision of equipment, training and expert advice in a variety of areas relating to the peaceful applications of nuclear energy and nuclear and radiological safety.

28. International cooperation has also been provided through bilateral agreements with Argentina for the construction of the nuclear power plant, which comprises the nuclear reactor, the production plant and the radioactive waste facility.